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October 29, 2008

Via Hand Delivery

Sandra Squire, *Executive Secretary*
Public Service Commission of West Virginia
201 Brooks Street
Charleston, West Virginia 25323

Re: Case No.: 08-1270-S-CN
**TOWN OF KERMIT, MINGO
COUNTY, WEST VIRGINIA**

Application for a certificate of convenience
and necessity to construct certain additions
and improvements to its existing wastewater
system; and for approval of the financing
thereof

Dear Ms. Squire:

Enclosed herein for filing on behalf of the Town of Kermit, please find an original and twelve (12) copies of its NPDES Permit. I ask that you please file the enclosed permit and distribute the additional copies to the appropriate parties at the Commission. Additionally, I ask that you date stamp the file copy provided and return it with our messenger.

Thank you in advance for your attention to this matter, and should you have any questions please contact me at (304) 353-8148.

Best Regards,

A handwritten signature in black ink, appearing to read 'T M Swanson'.

Todd M. Swanson
(W.V. State Bar No. 10509)

TMS
Enclosures

cc: Johnny Linville, Mayor (w/o enclosures)
Michael Griffith, CPA (w/o enclosures)
Paul V. Amburgey, P.E. (w/o enclosures)

473200.00002

CH5013403.1



STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57TH STREET SE
CHARLESTON, WV 25304-2345

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WATER POLLUTION CONTROL PERMIT

NPDES PERMIT NO.: WV0105643
SUBJECT: Sewage

ISSUE DATE: November 30, 2007
EFFECTIVE DATE : December 30, 2007
EXPIRATION DATE: November 29, 2012
SUPERSEDES: Permit No. WV0105643
dated October 02, 2001

LOCATION: KERMIT	Mingo	Tug Fork River
(City)	(County)	(Drainage Basin)

See the next page for a list of Outlets.

TO WHOM IT MAY CONCERN:

This is to certify that: KERMIT, TOWN OF
PO BOX 385
KERMIT, WV 25674

is hereby granted a West Virginia NPDES Water Pollution Control Permit to:
operate and maintain a wastewater disposal system, or parts thereof, for the direct discharge of treated
wastewater.

These facilities are to serve a population equivalent of approximately 500 persons in the Town of Kermit and
environs, and discharge treated wastewater through Outlet No. 001 to the Tug Fork, approximately 34.7 miles
from its mouth, of the Big Sandy River.

This permit is subject to the following terms and conditions :

The information, submitted on, and with, Permit Application No. WV0105643, dated the 7th day of September
2007, is all hereby made terms and conditions of this Permit with like effect as if all such Permit application
information was set forth herein, and with other conditions set forth in Sections A, B and C, and Appendix A.

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as
required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

Inspectable Unit	Latitude	Longitude	Receiving Stream	Dist. to Stream Mouth (in Mile)	Milepost
001	37°50'35"	82°24'41"	TUG FK	34.7	N/A

A.001 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:
Final Limitations
Summer May 1-Oct 31

During the period beginning December 30, 2007 and lasting through midnight November 29, 2012 the permittee is authorized to discharge from Outlet Number(s) 001 (Sanitary)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>							<u>Monitoring Requirements</u>	
	<u>Quantity</u>		<u>Units</u>	<u>Other Units</u>			<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, in Conduit or thru plant (Year Round) (ML-1)	N/A	N/A	N/A	Rpt Only Min.	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mgd	Continuous	measured
BOD, 5-Day 20 Deg.C (Year Round) (ML-B)	13 Avg. Monthly	25 Max. Daily	Lbs/Day	N/A	30 Avg. Monthly	60 Max. Daily	mg/l	1/month	Batch
Total Suspended Solids (Year Round) (ML-A)	13 Avg. Monthly	25 Max. Daily	Lbs/Day	N/A	30 Avg. Monthly	60 Max. Daily	mg/l	1/month	Batch
BOD, % Removal (Year Round) (ML-K)	N/A	N/A	N/A	85 Month. Avg. Min.	N/A	N/A	Percent	1/month	Calculated
Suspended Solids, % Removal (Year Round) (ML-K)	N/A	N/A	N/A	85 Month. Avg. Min.	N/A	N/A	Percent	1/month	Calculated
Coliform, Fecal (Year Round) (ML-A)	N/A	N/A	N/A	N/A	200 Mo. Geo. Mean	400 Max. Daily	Cnts/100ml	1/month	Grab
pH (Year Round) (ML-A)	N/A	N/A	N/A	6 Inst. Min.	N/A	9 Inst. Max.	S.U.	1/month	Grab
Nitrogen, Kjeldahl Total (Summer May 1-Oct 31) (ML-A)	5 Avg. Monthly	9 Max. Daily	Lbs/Day	N/A	11 Avg. Monthly	22 Max. Daily	mg/l	1/month	Batch
Nitrogen, Total (AS N) (Year Round) (ML-A)	Rpt Only Avg. Monthly	Rpt Only Max. Daily	Lbs/Day	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Effluent BOD5 samples shall be taken at a point immediately preceding disinfection. All other effluent samples shall be taken at, or as near as possible to, the point of discharge.

This discharge shall not cause violation of Title 47, Series 2, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.001 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:**Final Limitations****Summer May 1-Oct 31**

During the period beginning December 30, 2007 and lasting through midnight November 29, 2012 the permittee is authorized to discharge from Outlet Number(s) 001 (Sanitary)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>				
	<u>Quantity</u>		<u>Units</u>		<u>Other Units</u>		<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Phosphorus, Total (Year Round) (ML-A)	Rpt Only Avg. Monthly	Rpt Only Max. Daily	Lbs/Day	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch
Chlorine, Total Residual (Year Round) (ML-A)	N/A	N/A	N/A	N/A	0.028 Avg. Monthly	0.057 Max. Daily	mg/l	1/month	Grab
Copper, Total Recoverable (Year Round) (ML-A)	N/A	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch
Lead, Total Recoverable (Year Round) (ML-A)	N/A	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch
Zinc, Total Recoverable (Year Round) (ML-A)	N/A	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Effluent BOD5 samples shall be taken at a point immediately preceding disinfection. All other effluent samples shall be taken at, or as near as possible to, the point of discharge.

This discharge shall not cause violation of Title 47, Series 2, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.001 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:**Final Limitations****Winter Nov 1-Apr 30**

During the period beginning December 30, 2007 and lasting through midnight November 29, 2012 the permittee is authorized to discharge from Outlet Number(s) 001 (Sanitary)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>							<u>Monitoring Requirements</u>	
	<u>Quantity</u>		<u>Units</u>	<u>Other Units</u>			<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, in Conduit or thru plant (Year Round) (ML-1)	N/A	N/A	N/A	Rpt Only Min.	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mgd	Continuous	measured
BOD, 5-Day 20 Deg.C (Year Round) (ML-B)	13 Avg. Monthly	25 Max. Daily	Lbs/Day	N/A	30 Avg. Monthly	60 Max. Daily	mg/l	1/month	Batch
Total Suspended Solids (Year Round) (ML-A)	13 Avg. Monthly	25 Max. Daily	Lbs/Day	N/A	30 Avg. Monthly	60 Max. Daily	mg/l	1/month	Batch
BOD, % Removal (Year Round) (ML-K)	N/A	N/A	N/A	85 Month. Avg. Min.	N/A	N/A	Percent	1/month	Calculated
Suspended Solids, % Removal (Year Round) (ML-K)	N/A	N/A	N/A	85 Month. Avg. Min.	N/A	N/A	Percent	1/month	Calculated
Coliform, Fecal (Year Round) (ML-A)	N/A	N/A	N/A	N/A	200 Mo. Goe. Mean	400 Max. Daily	Cnts/100ml	1/month	Grab
pH (Year Round) (ML-A)	N/A	N/A	N/A	6 Inst. Min.	N/A	9 Inst. Max.	S.U.	1/month	Grab
Nitrogen, Kjeldahl Total (Winter Nov 1-Apr 30) (ML-A)	8 Avg. Monthly	15 Max. Daily	Lbs/Day	N/A	18 Avg. Monthly	36 Max. Daily	mg/l	1/month	Batch
Nitrogen, Total (AS N) (Year Round) (ML-A)	Rpt Only Avg. Monthly	Rpt Only Max. Daily	Lbs/Day	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Effluent BOD5 samples shall be taken at a point immediately preceding disinfection. All other effluent samples shall be taken at, or as near as possible to, the point of discharge.

This discharge shall not cause violation of Title 47, Series 2, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

A.001 DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS:**Final Limitations****Winter Nov 1-Apr 30**

During the period beginning December 30, 2007 and lasting through midnight November 29, 2012 the permittee is authorized to discharge from Outlet Number(s) 001 (Sanitary)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>				
	<u>Quantity</u>		<u>Units</u>		<u>Other Units</u>		<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Phosphorus, Total (Year Round) (ML-A)	Rpt Only Avg. Monthly	Rpt Only Max. Daily	Lbs/Day	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch
Chlorine, Total Residual (Year Round) (ML-A)	N/A	N/A	N/A	N/A	0.028 Avg. Monthly	0.057 Max. Daily	mg/l	1/month	Grab
Copper, Total Recoverable (Year Round) (ML-A)	N/A	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch
Lead, Total Recoverable (Year Round) (ML-A)	N/A	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch
Zinc, Total Recoverable (Year Round) (ML-A)	N/A	N/A	N/A	N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	mg/l	1/quarter	Batch

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Effluent BOD5 samples shall be taken at a point immediately preceding disinfection. All other effluent samples shall be taken at, or as near as possible to, the point of discharge.

This discharge shall not cause violation of Title 47, Series 2, Section 3, of the West Virginia Legislative Rules issued pursuant to Chapter 22B, Article 3.

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the provisions for waste treatment and the monitoring requirements specified in the permit in accordance with the following schedule :

Effective date of permit.

2. Reports of compliance or non-compliance with, and progress reports on interim and final requirements contained in the above compliance schedule, if any, shall be postmarked no later than 14 days following each schedule date.

Section C - Other Requirements

01. The herein-described treatment works, structures, electrical and mechanical equipment shall be adequately protected from physical damage by the maximum expected one hundred (100) year flood level, and operability be maintained during the twenty-five (25) year flood level.
02. The entire sewage treatment facility shall be adequately protected by fencing.
03. The proper operation and maintenance of the listed sewage treatment facility shall be performed, or supervised, by a certified operator possessing at least a Class II certificate for Waste Water Treatment Plant Operators as issued by the State of West Virginia. The on-site attendance of this facility's Class II operator shall be determined and directed by the Bureau for Public Health, Office of Environmental Health Services.
04. The arithmetic mean of values for effluent samples collected in a period of seven (7) consecutive days shall not exceed 45.0 mg/l for five (5) day Biochemical Oxygen Demand (BOD5) and Total Suspended Solids (TSS). Furthermore, the permittee may submit mitigating factors as an attachment to its Discharge Monitoring Report (DMR) related to an excursion of this requirement. The Director may choose to take those mitigating factors into consideration in determining whether enforcement action is required.
05. The permittee shall submit monthly according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration and/or quantities the values of the constituents listed in Section A analytically determined to be in the plant effluent(s). Additional information pertaining to effluent monitoring and reporting can be found in Appendix A, Part III.
06. The required DMRs should be received no later than 20 days following the end of the reporting period and be addressed to:

Director
Division of Water and Waste Management
601 57th Street SE
Charleston, West Virginia 25304-2345
Attention: Permitting Program
07. The permittee shall not use alternate DMRs without prior approval from this agency.
08. The permittee shall not accept any new nondomestic discharges without first obtaining approval from the Director of the Division of Water and Waste Management, as provided in Title 47, Series 10, Section 14 of the West Virginia Legislative Rules.
09. If any existing nondomestic discharge causes, or is suspected of causing, interference or pass through, as defined by 40 CFR Part 403.3, or otherwise violates any provision of 40 CFR Part 403, the permittee shall notify the Director of such violation or suspected violation.
10. If any existing nondomestic discharge is identified as being subject to Categorical Pretreatment Standard under 40 CFR Chapter 1, Subchapter N, and the discharge is not regulated by this permit, the permittee shall notify the Director of such identification.
11. The permittee shall continue to implement a program to identify and eliminate sources of infiltration and inflow. A written progress report shall be provided on a quarterly basis, as an attachment to the Discharge Monitoring Report, detailing what has been performed in relation to the implementation and accomplishments of the infiltration and inflow elimination program. Failure of the permittee to comply with this requirement shall result in subsequent administrative and/or legal action, as may be necessary in order to obtain the compliance sought herein.
12. The analytical test procedures, set forth in 40 CFR Part 136, prescribe colorimetric methods for certain parameters. The digestion process for the performance of total recoverable is not sufficient for the utilization of a colorimetric procedure. Therefore, colorimetric procedures shall not be acceptable for the analysis of parameters prescribed as total recoverable.
13. Effluent monitoring for the following pollutants shall be conducted using the most sensitive methods and detection levels commercially available and economically feasible. The following methods are to be used unless the permittee desires to use an EPA Approved Test Method with a listed lower method detection level. Regardless, it is recognized that detection levels can vary from analysis to analysis and that non-detect results at a different MDL for the specified test method would not constitute a permit violation.

Section C - Other Requirements

13. Parameter	EPA Method No.	Method Detection Level (ug/l)
Copper, Total Recoverable	200.8	0.5
Lead, Total Recoverable	200.8	0.6
Zinc, Total Recoverable	200.8	1.8

14. Available sampling methods for Total Residual Chlorine (TRC) are currently not sensitive enough to confirm compliance with the permit limitations imposed for the wastewater treatment plant. TRC samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136. Because the permittee does not operate a certified wastewater laboratory at the plant site but still must comply with the instantaneous sample-type requirements, the permittee shall use an EPA Approved Method with at least a method detection level (MDL) of 100 ug/l. Any TRC sampling result reported as less than the MDL stated above shall be assumed to confirm compliance for purposes of permit compliance. Should a more sensitive EPA approved method become available for field analysis of TRC, the permittee shall perform TRC self-monitoring in accordance with the new method. If the new method is not sensitive enough to determine compliance with specified TRC limits, analytical results reported as "not detected" at the MDL of the new method will be deemed compliant for purposes of permit compliance.
15. The permittee shall be required to test the Outlet No. 001 wastewater treatment plant's influent, in order to calculate the percent (%) removal parameters for five(5) day Biochemical Oxygen Demand (BOD5) and Total Suspended Solids (TSS), as prescribed in Section A.001 of this Permit. Influent sampling requirements shall include the following:
- Percent removal shall be defined as a percentage expression of the removal efficiency across the wastewater treatment plant for a given pollutant parameter, as determined from the thirty-day average values of the influent concentrations to the facility and the thirty-day average effluent pollutant concentrations. Only influent and effluent samples taken concurrently as specified above shall be used for reporting.
 - Influent and effluent BOD5 and TSS samples shall be collected at least once per month (1/month) for the wastewater treatment facility.
 - Influent BOD5 and TSS sampling shall be collected using, at a minimum, an eight (8) hour composite sample.
 - Influent BOD5 and TSS sampling shall be performed over the same time period as effluent BOD5 and TSS sampling.
16. The average daily design flow of the Publicly Owned Treatment Works (POTW) has been established at 0.05 million gallons per day. When the average monthly effluent flow reported on Discharge Monitoring Reports reaches, or exceeds, 0.045 million gallons per day (90 percent of the average design flow), during three (3) consecutive monthly periods, the permittee shall submit a Plan of Action to the Director. The Plan of Action shall present, at a minimum, an analysis of current hydraulic and organic loadings on the plant, an analysis of the future projected loadings, and a Schedule of Tasks to accomplish procedures necessary to maintain required treatment levels.
17. Any future collection system extensions projected to cause an increase in the wastewater flow, equal to, or greater than, 2,500 gallons per day (five (5) percent of average design flow) shall require the permittee to contact the Director to secure approval of the extension. After consideration of the complexity of the project, and the available treatment capacity of the facility, the Director may require the permittee to seek approval through Modification of the Permit.
18. Over the term of this permit, the permittee is allowed one (1) excursion of the maximum daily fecal coliform effluent limitation prescribed in Section A.001. The number of allowed excursions is based upon one (1) percent (%) of the number of required self-monitoring events. Utilization of the excursion allowance is conditioned as follows:
- Excursion allowances are afforded only to self-monitoring results and only when self-monitoring activities assess compliance with the maximum daily effluent limitation by analysis of an individual grab sample. No excursion allowance can be applied to analytical results obtained by representatives of the Director in the performance of their compliance assessment activities. Additionally, representatives of the Director may assess compliance with the maximum daily effluent limitation by collection and analysis of an individual grab sample.
 - The excursion allowance is contingent upon the permittee's prompt return to compliance as evidenced by the next required fecal coliform self-monitoring event.

Section C - Other Requirements

18. c. The result for which an excursion allowance is claimed shall be included in the calculation of the average monthly effluent value.
- d. Should an excursion allowance be utilized by the permittee, said allowance must be reported as an attachment to the Discharge Monitoring Report. This attachment should state that (1) an excursion allowance was taken in accordance with the conditions outlined above, (2) the total number of allowances taken to date during the term of this permit, and (3) the total number of allowances remaining during the term of this permit. The permittee shall maintain an on-site record of the excursion allowances utilized during the term of the permit.
19. In incidences where a specific test method is not defined, the permittee shall utilize an EPA approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If a MDL is not sensitive enough to confirm compliance, the most sensitive approved method must be used. If a more sensitive EPA approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.
20. Any "not detected (ND)" laboratory results from samples collected by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL (<MDL) used. The permittee may not report the result as zero, "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

When averaging values of analytical results for DMR reporting purposes for monthly averages, the permittee should use actual analytical results when these results are greater than or equal to the MDL and should use zero (0) when these results are less than the MDL. If all analytical results are non-detect at the MDL (<MDL), then the permittee should use the actual MDL in the calculation for averaging and report the result as less than the average calculation.

21. The Division has begun to analyze the impacts of nutrients upon water quality and to explore whether there is a need to establish nutrient water quality standards. Therefore, the Division shall impose effluent monitoring for Total Phosphorus and Total Nitrogen in order to assist the Division in this analysis. Currently, there is no EPA approved method to directly test for Total Nitrogen. The value reported for Total Nitrogen should be the sum of the following:

Total Kjeldahl Nitrogen (TKN)
Nitrite (NO₂)
Nitrate (NO₃)

Each of these pollutants listed above has an EPA approved method.

22. Unless otherwise authorized under Section A of this permit, any discharge from any point other than a permitted treatment outfall or permitted combined sewer system outfall is expressly prohibited. In the event there is a prohibited discharge from a sewer conveyance system, the permittee shall follow the reporting requirements contained in Appendix A, Part IV, Section 2.
23. Because of the Sequential Batch Reactor technology being utilized by the permittee, "Batch" samples shall be collected. "Batch" sampling procedures shall be defined as the collection and compositing of one (1) grab sample from each individual batch discharge cycle during a 24-hour period.
24. The permittee shall submit an application to incorporate the State statutory requirements relative to their sludge management program, on, or before, 90 days after the initiation of operation of the new wastewater treatment plant. Whereupon, the review is concluded and approval is granted by the Director, the permittee shall have fulfilled the requirements of Appendix A, Part II, Section 5, Removed Substances, with respect to the sludge generated by the wastewater treatment facilities. Said approval shall be afforded in accordance with the provisions of Title 33, Series 2 of the West Virginia Legislative Rules, accordingly.
25. Compliance shall be attained in accordance with Civil Action No. 99-C-210, the resultant Consent Decree, entered September 1, 2000, and any amendments, thereto.

The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0105643; with the plan of maintenance and method of operation thereof submitted with such application(s); and with any applicable rules and regulations promulgated by the Environmental Quality Board and the Secretary of the Department of Environmental Protection.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV0105643; and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and the invocation of all the enforcement procedures set forth in Chapter 22, Article 11, or 15 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 and 12 and/or 15 of the Code of West Virginia and is transferable under the terms of Section 11 of Article 11.


Lisa A. McClung, Director

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

Final Limitations
Summer May 1-Oct 31

FACILITY NAME: (Town of Kermit) KERMIT, TOWN OF

CERTIFIED LABORATORY NAME: _____

LOCATION OF FACILITY: KERMIT; Mingo County

CERTIFIED LABORATORY ADDRESS: _____

PERMIT NO.: WVD105643OUTLET NO.: 001

WASTELOAD FOR THE MONTH OF: _____

INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity				Other Units				Measurement Frequency	Sample Type
				Units	N.E.			CEL*	Units	N.E.	
50050 (ML-1) RF-A	Reported										
Flow, in Conduit or thru plant	Permit Limits	N/A	N/A			Rpt Only Min.	Rpt Only Avg. Monthly	N/A	mgd		Continuous
Year Round											measured
00310 (ML-B) RF-A	Reported										
BOD, 5-Day 20 Deg. C	Permit Limits	13	25	Lbs/Day		N/A	30	N/A	mg/l		1/month
Year Round		Avg. Monthly	Max. Daily				Avg. Monthly				Batch
00530 (ML-A) RF-A	Reported										
Total Suspended Solids	Permit Limits	13	25	Lbs/Day		N/A	30	N/A	mg/l		1/month
Year Round		Avg. Monthly	Max. Daily				Avg. Monthly				Batch
81010 (ML-K) RF-A	Reported										
BOD, % Removal	Permit Limits	N/A	N/A			85	N/A	N/A	Percent		1/month
Year Round						Month. Avg. Min.					Calculated
81011 (ML-K) RF-A	Reported										
Suspended Solids, % Removal	Permit Limits	N/A	N/A			85	N/A	N/A	Percent		1/month
Year Round						Month. Avg. Min.					Calculated
74055 (ML-A) RF-A	Reported										
Coliform, Fecal	Permit Limits	N/A	N/A			N/A	200	N/A	Cnts/100m		1/month
Year Round							Mo. Geo. Mean				Grab
00400 (ML-A) RF-A	Reported										
pH	Permit Limits	N/A	N/A			6	N/A	N/A	S.U.		1/month
Year Round						Inst. Min.					Grab
00625 (ML-A) RF-A	Reported										
Nitrogen, Kjeldahl Total	Permit Limits	5	9	Lbs/Day		N/A	11	N/A	mg/l		1/month
Summer May 1-Oct 31		Avg. Monthly	Max. Daily				Avg. Monthly				Batch

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer 	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.	Date Completed
		Signature of Principal Executive Officer or Authorized Agent
Title of Officer 		

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

Final Limitations
Summer May 1-Oct 31

FACILITY NAME: (Town of Kermit) KERMIT, TOWN OF
LOCATION OF FACILITY: KERMIT; Mingo County
PERMIT NO.: WV0105643 OUTLET NO.: 001
WASTELOAD FOR THE MONTH OF: _____

CERTIFIED LABORATORY NAME: _____
CERTIFIED LABORATORY ADDRESS: _____
INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity				Other Units				CEL*	Units	N.E.	Measurement Frequency	Sample Type
				Units	N.E.									
00600 (ML-A) RF-B Nitrogen, Total (AS N) Year Round	Reported			Lbs/Day						N/A	mg/l		1/quarter	Batch
	Permit Limits	Rpt Only Avg. Monthly	Rpt Only Max. Daily			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily						
00665 (ML-A) RF-B Phosphorus, Total Year Round	Reported			Lbs/Day						N/A	mg/l		1/quarter	Batch
	Permit Limits	Rpt Only Avg. Monthly	Rpt Only Max. Daily			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily						
50080 (ML-A) RF-A Chlorine, Total Residual Year Round	Reported									0.1	mg/l		1/month	Grab
	Permit Limits	N/A	N/A			N/A	0.028 Avg. Monthly	0.057 Max. Daily						
01119 (ML-A) RF-B Copper, Total Recoverable Year Round	Reported									N/A	mg/l		1/quarter	Batch
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily						
01114 (ML-A) RF-B Lead, Total Recoverable Year Round	Reported									N/A	mg/l		1/quarter	Batch
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily						
01094 (ML-A) RF-B Zinc, Total Recoverable Year Round	Reported									N/A	mg/l		1/quarter	Batch
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily						
										N/A				
										N/A				

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer 	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.	Date Completed	
		Signature of Principal Executive Officer or Authorized Agent 	
Title of Officer 			

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

Final Limitations
Winter Nov 1-Apr 30

FACILITY NAME: (Town of Kermit) KERMIT, TOWN OF

CERTIFIED LABORATORY NAME: _____

LOCATION OF FACILITY: KERMIT; Mingo County

CERTIFIED LABORATORY ADDRESS: _____

PERMIT NO.: WV0105643OUTLET NO.: 001

WASTELOAD FOR THE MONTH OF: _____

INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity				Other Units					Measurement Frequency	Sample Type	
				Units	N.E.				CEL*	Units			N.E.
50050 (ML-1) RF-A	Reported												
Flow, in Conduit or thru plant	Permit Limits	N/A	N/A			Rpt Only Min.	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mgd		Continuous	measured
Year Round													
00310 (ML-B) RF-A	Reported												
BOD, 5-Day 20 Deg. C	Permit Limits	13	25	Lbs/Day		N/A	30	60	N/A	mg/l		1/month	Batch
Year Round		Avg. Monthly	Max. Daily				Avg. Monthly	Max. Daily					
00530 (ML-A) RF-A	Reported												
Total Suspended Solids	Permit Limits	13	25	Lbs/Day		N/A	30	60	N/A	mg/l		1/month	Batch
Year Round		Avg. Monthly	Max. Daily				Avg. Monthly	Max. Daily					
81010 (ML-K) RF-A	Reported												
BOD, % Removal	Permit Limits	N/A	N/A			85	N/A	N/A	N/A	Percent		1/month	Calculated
Year Round						Month. Avg. Min.							
81011 (ML-K) RF-A	Reported												
Suspended Solids, % Removal	Permit Limits	N/A	N/A			85	N/A	N/A	N/A	Percent		1/month	Calculated
Year Round						Month. Avg. Min.							
74055 (ML-A) RF-A	Reported												
Coliform, Fecal	Permit Limits	N/A	N/A			N/A	200	400	N/A	Cnts/100m		1/month	Grab
Year Round							Mo. Geo. Mean	Max. Daily					
00400 (ML-A) RF-A	Reported												
pH	Permit Limits	N/A	N/A			6	N/A	9	N/A	S.U.		1/month	Grab
Year Round						Inst. Min.		Inst. Max.					
00625 (ML-A) RF-A	Reported												
Nitrogen, Kjeldahl Total	Permit Limits	8	15	Lbs/Day		N/A	18	36	N/A	mg/l		1/month	Batch
Winter Nov 1-Apr 30		Avg. Monthly	Max. Daily				Avg. Monthly	Max. Daily					

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer 	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.	Date Completed
		Signature of Principal Executive Officer or Authorized Agent
Title of Officer 		

STATE OF WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE MONITORING REPORT

Final Limitations
Winter Nov 1-Apr 30

FACILITY NAME: (Town of Kermit) KERMIT, TOWN OF
LOCATION OF FACILITY: KERMIT; Mingo County
PERMIT NO.: WV0105643 OUTLET NO.: 001
WASTELOAD FOR THE MONTH OF: _____

CERTIFIED LABORATORY NAME: _____
CERTIFIED LABORATORY ADDRESS: _____
INDIVIDUAL PERFORMING ANALYSIS: _____

Parameter		Quantity				Other Units					Measurement Frequency	Sample Type	
				Units	N.E.				CEL*	Units			N.E.
00600 (ML-A) RF-B Nitrogen, Total (AS N) Year Round	Reported			Lbs/Day					N/A	mg/l			
	Permit Limits	Rpt Only Avg. Monthly	Rpt Only Max. Daily			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily				1/quarter	Batch
00665 (ML-A) RF-B Phosphorus, Total Year Round	Reported			Lbs/Day					N/A	mg/l			
	Permit Limits	Rpt Only Avg. Monthly	Rpt Only Max. Daily			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily				1/quarter	Batch
50060 (ML-A) RF-A Chlorine, Total Residual Year Round	Reported								0.1	mg/l			
	Permit Limits	N/A	N/A			N/A	0.028 Avg. Monthly	0.057 Max. Daily				1/month	Grab
01119 (ML-A) RF-B Copper, Total Recoverable Year Round	Reported								N/A	mg/l			
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily				1/quarter	Batch
01114 (ML-A) RF-B Lead, Total Recoverable Year Round	Reported								N/A	mg/l			
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily				1/quarter	Batch
01094 (ML-A) RF-B Zinc, Total Recoverable Year Round	Reported								N/A	mg/l			
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily				1/quarter	Batch
									N/A				
									N/A				

* CEL = Compliance Evaluation Level

Name of Principal Executive Officer 	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.	Date Completed
		Signature of Principal Executive Officer or Authorized Agent
Title of Officer 		

Appendix A

I. MANAGEMENT CONDITIONS:

1. Duty to Comply

- a) The permittee must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.
- b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit at least 180 days prior to expiration of the permit.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

4. Permit Actions

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

6. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as required in Title 47, Series 10, Section 4.6 of the West Virginia Legislative Rules.

7. Transfers

This permit is not transferrable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable specified time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

9. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a) Enter upon the permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;
- b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location.

11. Permit Modification

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 22-11-12 of the Code of West Virginia.

12. Water Quality

Subject to 47 WV CSR 10.3.4.a, the effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the Environmental Quality Board.

13. Outlet Markers

A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules.

14. Liabilities

- a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, 308 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years, or by both.
- c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years, or by both.
- d) Nothing in 1.14 a), b), and c) shall be construed to limit or prohibit any other authority the Director may have under the State Water Pollution Control Act, Chapter 22, Article 11.

II. OPERATION AND MAINTENANCE:

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. For domestic waste treatment facilities, waste treatment operators as classified by the WV Bureau of Public Health Laws, W. Va. Code Chapter 16-1, will be required except that in circumstances where the domestic waste treatment facility is receiving any type of industrial waste, the Director may require a more highly skilled operator.

2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

3. Bypass

- a) Definitions
 - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of II.3.c) and II.3.d) of this permit.
- c)
 - (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass;
 - (2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in IV.2.b) of this permit.
- d) Prohibition of bypass
 - (1) Bypass is permitted only under the following conditions, and the Director may take enforcement action against a permittee for a bypass, unless;
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The permittee submitted notices as required under II.3.c) of this permit.
 - (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in II.3.d.(1) of this permit.

4. Upset

- a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitation if the requirements of II.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in IV.2.b) of this permit.
 - (4) The permittee complied with any remedial measures required under I.3. of this permit.
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Director, any solids, sludges, filter backwash or other pollutants (removed in the course of treatment or control of wastewaters) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Director. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Director in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

III. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Reporting

- a) Permittee shall submit, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, and/or quantities, the values of the constituents listed in Part A analytically determined to be in the plant effluent(s). DMR submissions shall be made in accordance with the terms contained in Section C of this permit.
- b) Enter reported average and maximum values under "Quantity" and "Concentration" in the units specified for each parameter, as appropriate.
- c) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding).
- d) Specify frequency of analysis for each parameter as number of analyses/specified period (e.g., 3/month is equivalent to 3 analyses performed every calendar month). If continuous, enter "Cont.". The frequency listed on format is the minimum required.

3. Test Procedures

Samples shall be taken, preserved and analyzed in accordance with the latest edition of 40 CFR Part 136, unless other test procedures have been specified elsewhere in this permit.

4. Recording of Results

For each measurement or sample taken pursuant to the permit, the permittee shall record the following information.

- a) The date, exact place, and time of sampling or measurement;
- b) The date(s) analyses were performed;
- c) The individual(s) who performed the sampling or measurement;
- d) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
- e) The analytical techniques or methods used, and
- f) The results of such analyses. Information not required by the DMR form is not to be submitted to this agency, but is to be retained as required in III.6.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

7. Definitions

- a) "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
- b) "Average monthly discharge limitation" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- c) "Maximum daily discharge limitation" means the highest allowable daily discharge.
- d) "Composite Sample" is a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall be two hours.
- e) "Grab Sample" is an individual sample collected in less than 15 minutes.
- f) "is" = immersion stabilization - a calibrated device is immersed in the effluent stream until the reading is stabilized.
- g) The "daily average temperature" means the arithmetic average of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- h) The "daily maximum temperature" means the highest arithmetic average of the temperatures observed for any two (2) consecutive hours during a 24 hour day, or during the operating day if flows are of shorter duration.
- i) The "monthly average fecal coliform" bacteria is the geometric average of all samples collected during the month.
- j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or which a relationship to absolute volume has been obtained.
- k) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- l) "Non-contact cooling water" means the water that is contained in a leak-free system, i.e., no contact with any gas, liquid, or solid other than the container for transport; the water shall have no net poundage addition of any pollutant over intake water levels, exclusive of approved anti-fouling agents.

IV. OTHER REPORTING

1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Title 47, Series 11, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11. Attached is a copy of the West Virginia Spill Alert System for use in complying with Title 47, Series 11, Section 2 of the Legislative rules as they pertain to the reporting of spills and accidental discharges.

2. Immediate Reporting

- a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Agency's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- b) The following shall also be reported immediately:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit; and
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.
- c) The Director may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
- d) Compliance with the requirements of IV.2 of this section, shall not relieve a person of compliance with Title 47, Series 11, Section 2.

3. Reporting Requirements

- a) Planned changes. The permittee shall give notice to the Director of any planned physical alterations or additions to the permitted facility which may affect the nature or quantity of the discharge. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Section 13.7.b of Series 10, Title 47; or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under IV.2 of this section.
- b) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c) In addition to the above reporting requirements, all existing manufacturing, commercial, and silvicultural discharges must notify the Director in writing as soon as they know or have reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) One hundred micrograms per liter (100 ug/l);
 - (B) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitro phenol; and for 2-methyl 4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (C) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.9 of Series 10, Title 47.
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47;
 - (2) That any activity has occurred or will occur which would result in any discharge (on a non-routine or infrequent basis) of a toxic which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) Five hundred micrograms per liter (500 ug/l);
 - (B) One milligram per liter (1 mg/l) for antimony;
 - (C) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Section 4.4.b.7 of Series 10, Title 47;
 - (D) The level established by the Director in accordance with Section 6.3.g of Series 10, Title 47.
 - (3) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a routine or frequent basis of that toxic pollutant at levels which exceed five times the detection limit for that pollutant under approved analytical procedure.
 - (4) That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product of any toxic pollutant which was not reported in the permit application under Section 4.4.b.9 of Series 10, Title 47 and which will result in the discharge on a non-routine or infrequent basis of that toxic pollutant at levels which exceed ten times the detection limit for that pollutant under approved analytical procedure.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in IV.2.a). Should other applicable noncompliance reporting be required, these terms and conditions will be found in Section C of this permit.

NOTICE TO PERMITTEES

The 1999 regular session of the West Virginia legislature revised the Water Pollution Control Act, Chapter 22, Article 11, Section 10 of the Code of West Virginia relating to fees associated with permits. This section of the Code requires all holders of a State water pollution control permit or a national pollutant discharge elimination system permit to be assessed an annual permit fee, based upon rules promulgated by the Secretary of the Department of Environmental Protection. The Secretary has promulgated a final rule in accordance with the code revision to this effect and these rules were effective May 4, 2000. The rules establish an annual permit fee based upon the relative potential to degrade the waters of the State which, in most instances, relate to volume of discharge. However, for sewage facilities, the annual permit fee is based upon the number of customers served by the facility. You may contact the Secretary of State's Office, State Capitol Building, Charleston, WV 25305, to obtain a copy of the rules. The reference is Title 47, Legislative Rules, Department of Environmental Protection, Division of Water Resources, Series 26 Water Pollution Control Permit Fee Schedules.

Based upon the volume of discharge for which your facility is currently permitted, the number of customers served by your facility or for the category you fall within, pursuant to Section 7 of Title 47, Series 26, your annual permit fee is \$100.00. This fee is due no later than the anniversary date of permit issuance in each year of the term of the permit or in the case of coverage under a general permit, the fee is due no later than the anniversary date of your coverage under the general permit. **You will be invoiced by this agency at the appropriate time for the fee.** Failure to submit the annual fee within ninety(90) days of the due date will render your permit void upon the date you are mailed a certified written notice to that effect.

**EMERGENCY RESPONSE SPILL ALERT SYSTEM
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

REQUIREMENTS:

Title 47, Series 11, Section 2 of the West Virginia Legislative Rules, Environmental Protection, Water Resources - Waste Management, Effective July 1, 1994.

RESPONSIBILITY FOR REPORTING:

Each and every person who may cause or be responsible for any spill or accidental discharge of pollutants into the waters of the State shall give immediate notification to the Division of Water and Waste Management's Emergency Notification Number, 1-800-642-3074. Such notification shall set forth insofar as possible and as soon thereafter as practical the time and place of such spill or discharge, type or types and quantity or quantities of the material or materials therein, action or actions taken to stop such spill or discharge and to minimize the polluting effect thereof, the measure or measures taken or to be taken in order to prevent a recurrence of any such spill or discharge and such additional information as may be requested by the Division of Water and Waste Management. This also applies to spills to the waters of the State resulting from accidents to common carriers by highway, rail and water.

It shall be the responsibility of each industrial establishment or other entity discharging directly to a stream to have available the following information pertaining to those substances that are employed or handled in its operation in sufficiently large amounts as to constitute a hazard in case of an accidental spill or discharge into a public stream:

- (1) Potential toxicity in water to man, animals and aquatic life;
- (2) Details on analytical procedures for the quantitative estimation of such substances in water and
- (3) Suggestions on safeguards or other precautionary measures to nullify the toxic effects of a substance once it has gotten into a stream.

Failure to furnish such information as required by Section 14, Article 11, Chapter 22, Code of West Virginia may be punishable under Section 24, Article 11, Chapter 22, and/or Section 22, Article 11, Chapter 22, Code of West Virginia.

It shall be the responsibility of any person who causes or contributes in any way to the spill or accidental discharge of any pollutant or pollutants into State waters to immediately take any and all measures necessary to contain such spill or discharge. It shall further be the responsibility of such person to take any and all measures necessary to clean-up, remove and otherwise render such spill or discharge harmless to the waters of the State.

When the Director determines it necessary for the effective containment and abatement of spills and accidental discharges, the Director may require the person or persons responsible for such spill or discharge to monitor affected waters in a manner prescribed by the Director until the possibility of any adverse effect on the waters of the State no longer exists.

VOLUNTARY REPORTING BY LAW OFFICERS, U. S. COAST GUARD, LOCK MASTERS AND OTHERS:

In cases involving river and highway accidents where the responsible party may or may not be available to report the incident, law officers, U. S. Coast Guard, Lock Masters and other interested person(s) should make the report.

WHO TO CONTACT:

Notify the following number: 1-800-642-3074

INFORMATION NEEDED:

- | | |
|--|---------------------------------------|
| - Source of spill or discharge | - Personnel at the scene |
| - Location of incident | - Actions initiated |
| - Time of incident | - Shipper/Manufacturer identification |
| - Material spilled or discharged | - Railcar/Truck identification number |
| - Amount spilled or discharged | - Container type |
| - Toxicity of material spilled or discharged | |

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this permit which you are aggrieved by to the Environmental Quality Board by filing a NOTICE OF APPEAL on the form prescribed by such Board for this purpose, with the Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after the date of receipt of the above permit.